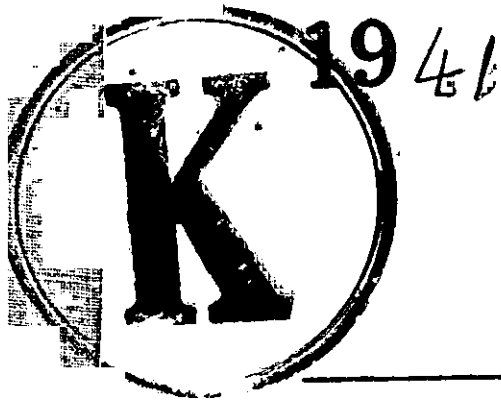




File No. *Prev. of Cruelty to
Animals II/41*
Legal DEPARTMENT
B. BRANCH

Subject:—

*Rules and Notifications
under The Prevention of
Cruelty to Animals Act, 1890*

File No. *Prevention of Cruelty
to Animals II/41*
Std. Sectt. Slip 24 B e.

181-B

C O N T E N T S

Legal Department File No. Prov. of Cruelty to Animals II/41

Sr. No.	Compilation No.	Subject	Pages
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|----|--|--|------------------------------|
| 1. | U.R. to H.D. No. 1857
dt. 3rd March 1941 | The Prevention of Cruelty
to Animals Act, 1890
--- Sec. 14
--- Notification under | 1-4- |
| 2. | U.R. to H.D.
No. 5170
dt. 19th June 1941 | --- Sec. 15
--- Notification under | 5-22
(P. 11-22 not typed) |

Er/25/4

Sva
21/5/56

Rak
21-5-56

Submitted.

2. By G. N. H. D. 3669/4-E, dated the 24th October 1940 (p13 ante), certain persons in the Ahmednagar district were authorised to exercise the general power of seizure for examination specified in sec. 14 of the Prevention of Cruelty to Animals, Act 1890, in its application to the Province of Bombay. Major A. F. Holland and Mrs. A. F. Holland were among other persons who were so authorised. Major A. F. Holland has been transferred from the Ahmednagar district. It is therefore proposed that the power under section 14 of the said Act conferred on Major and his wife should be withdrawn and conferred on Major and Mrs. D. H. Mudie. A draft notification (pp. 19) for this purpose has been forwarded to the R. L. A. for scrutiny. The alternative draft suggested by the H. D. is on p. 21 ante.

3. The proposal is that the powers under section 14 conferred on Major and Mrs. A. F. Holland is to be withdrawn and the said power is to be conferred on Major and Mrs. D. H. Mudie. Neither of the two drafts on pp. 19 and 21 ante suggested by the H. D. brings this out.

A revised draft notification to carry out the object in view is appended for approval.

Id/ 21/2/41

4. The power of seizure of any animal in the Ahmednagar district for examination

given to Major A.F. Holland and Mrs. A.F. Holland
under section 14 of the Prevention of Cruelty
to Animals Act, 1890 (XI of 1890) by G.N., H.D.
No 3669/4E dated the 24th October 1940 (p.13)
is personal and therefore it will be necessary
to withdraw it and to authorize in their place
Major D.H. Kudie P 15 ante and Mrs. D.H. Kudie to exercise
it. As there is no provision in the Prevention
of Cruelty to Animals Act, 1890 analogous
to section 41 of the Cr. Procedure Code, the
requisite draft notification will have to be
issued under section 14 of the said Act, read
with section 21 of the General Clauses Act,
1897 (X of 1897) and not the Bombay General
Clauses Act, 1904 referred to by H.D. on p. 19
ante. The requisite alternative draft notification is ap-
pended for approval. It is not necessary to
mention sec. 21 of the General Clauses Act, 1897

5. It is approved, reply may be

"A revised draft notification is sent
herewith".

Id/ 22/2/41

D.S.

The notification should be as at p. 27a
as amended by me.

Reply as at A

Sd/-

24/2

U.R. to H.D. No. 1857 dt. 3rd March 1941

NOTIFICATION

Home Department,
Bombay Castle,

1941

No. 3669/4.-- In exercise of the powers conferred by section 24 of the Prevention of cruelty to Animals Act, 1890 (XI of 1890) in its application to the Province of Bombay and in modification of Government Notification, Home Department No 3669/4-E, dated the 24th October 1940, authorising certain persons in the Ahmednagar District to seize any animal in respect of which they have reason to believe that an offence against the said Act has been or is being committed and to produce the same for examination by the nearest Magistrate or by such veterinary officer -- may be designated in that behalf by rules made under section 15 of the said Act, the Government of Bombay is pleased--

- (a) to withdraw the power to seize any animal and produce it for examination conferred by the said notification on Major A.F. Holland and Mrs. S.F. Holland, and
- (b) to authorise Major D.H. Mudie and Mrs. D.H. Mudie to exercise such power in the Ahmednagar district.

By order of the Governor of Bombay,

Secretary to Government.

A revised draft notification is appended.

2. Revised rule 3: H.D. draft rule 2(11) provides that the load to be drawn on country tracks or ghat roads shall not exceed 60 per cent of the maximum laid down in clause (1). This means that when the load is drawn on ghat roads etc. although the cart is equipped with pneumatic tyres, the weight will be reduced to 60 per cent of the maximum weight referred to in clause (1). It appears that the intention is that in such cases the weight should be reduced to 60 per cent of the maximum weight referred to in clause (1) plus 30 per cent ^{in the view of the provision in} ~~in the view of the provision in~~ clause (1). The revised draft rule provides accordingly.

3. Revised rule 5: (1) H.D. draft rule 4(1) provides that the basket of the size referred to in the rule shall not hold more than 9 large, 12 medium size or 18 small fowls or ducks. A basket may contain fowls or ducks some of which may be large and the rest either of medium size or small. The provision has been suitably amended to provide for such cases (see sub-rule (2) of rule 5 of the revised rules). A similar change has been made in H.D. draft rule 4(11) relating to monkeys (see sub-rule (2) of rule 6 of the revised rules). H.D. should verify whether the amended rules carry out its intention. The expressions "large", "medium size" "small size" used in these revisions are vague. H.D. is requested to consider this point.

(2) The last sentence in rule 4(1) of the H.D. draft provides that provision shall be made for food and water for poultry during journey. It is not clear whether this

provision is to app,

provision is to apply in all cases, including those in which the journey is a short one.' The provision does not also appear to be necessary in view of section 3(e) of the Act. It has, therefore, been deleted.

4. H.D. draft rule 5, revised draft rule 7 :- The words "until the rains break in" are vague. It would be desirable to specify the period definitely. Some such date as "31st May" may therefore be inserted in the rule.

5. H.D. draft rule 7, revised draft rule 9 :- (a) The whole rule has been recast from the drafting point of view. It is suggested that a form for the farrier's license should be prescribed.

(b) It appears that the intention is that farrier's licenses should be granted only to such persons as have been doing farrier's business so far and to persons who have obtained apprentice licenses. There is no provision in the Act under which a rule can be made restricting the grant of licenses to any class of persons. The provision regarding grant of apprentice licenses has therefore been deleted.

(c) The note below the rule in the H.D. draft provides that the rule applies to all district towns and their suburbs in the Province including the suburbs of Bombay but not to the City of Bombay. The provisions of the note have been embodied in sub-rule (6) of the revised draft rule. H.D. may specify precisely in the sub-rule the areas to which the rule is to apply in the first instance.

(d) H.D. should verify whether the rule as redrafted carries out the intention.

6. H.D. draft rule 9 (p. 150 ante) :- The H.D. draft rule provides that cattle pounds shall be provided with adequate water, food and shelter for the animals impounded. Clause (h)

of section 15(2) of the Prevention of Cruelty to Animals Act empowers Government to make rules prescribing the manner in which cattle may be impounded so as to secure the provision of adequate space, food and water. The H.D. draft rule is vague and does not prescribe the manner in which cattle may be impounded so as to secure the provision of adequate space, food and water. The rule has, therefore, been deleted.

SS/-

6/6

Remembrancer of Legal Affairs.

U.R. to H.D. No. 5179 dated the 08th June 1942

Ur/25/4

SM
21/5/56

RAK
21-5-56